

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 20445 of 2004

Between:

- 1 Gollapalli Pedda Rajam, S/o. Lingam Goud,
Shop No. 1-6-1, Opp : New Bus Stand, Jagtial, Karimnagar District.
- 2 N. Ravi Goud, S/o. Venkati Goud,
Shop No. 1-6-4, Opp : New Bus Stand, Jagtial, Karimnagar District.
- 3 V. Ramesh, S/o. Laxminarayana,
H.NO. 2-4-225, Shiva Veedhi, Jagtial, Karimnagar District.
- 4 K. Ravi, S/o. Mallaiah,
R/o. Beet Bazar, Jagtial, Karimnagar District.
- 5 V. Srinivasa, S/o. Dubba Rajam,
R/o. Bheet Bazar, Jagtial, Karimnagar District.
- 6 P. Ravi, S/o. Rajam,
R/o. Bheet Bazar, Jagtial, Karimnagar District.
- 7 Syed Miya, S/o. Nane Sab,
Opp. New Bus Stand, Jagtial, Karimnagar District.
- 8 Koida Ravi, S/o. Mallaiah,
R/o. H.No. 6-85, Lingampet (V), Jagtial Mandal, Karimnagar District.
- 9 K. Lingam, S/o. Veeraiah,
R/o. H.No. 4-25, Upparipet (V), Jagtial Mandal, Karimnagar District.

..... PETITIONER(S)

AND

- 1 The Municipal Council, Jagtial, Karimnagar District,
rep by its Commissioner.
- 2 The Assistant Director of Fisheries, Jagtial, Karimnagar District.
- 3 The District Collector, Karimnagar District, Karimnagar.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more in the nature of WRIT OF MANDAMUS declaring the action of the respondents in proceeding with the construction of fish market in the site measuring 397 Sq. Yards, Opposite to New Bus Station, Jagtial, Karimnagar District is arbitrary, bad, illegal and to set aside the same.

Counsel for the Petitioner:MR.C.RAMESH SAGAR

Counsel for the Respondent No.1: Mr.Polisetti Radhakrishna

Counsel for the Respondent No.2: GP FOR FISHERIES

Counsel for the Respondent No.3: None appeared

The Court at the stage of admission made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

We have perused the affidavit in reply filed by the Commissioner, Jagtial Municipal Council. It is stated that on the financial help from the Fisheries Department to the tune of Rs.10 lakhs, construction work of fish market at the entrance of Jagtial town opposite to new bus stand has been taken up. The Market is being constructed as per the latest technology with sophisticated infrastructure and parking lot providing all needed requirements. Similarly, affidavit of respondent No.2 states that Jagtial Town is a Grade II Municipality situated in command area and most of the people depend upon agriculture, vegetable market, pisi culture etc. There is lot of production of fish and in order to promote domestic sale of fish, it is essential to have good infrastructural facilities. Jagtial Municipality has proposed to establish modern urban fish market at Jagtial town.

Grievance of the learned counsel for the petitioner is that the space is not sufficient and it will lead to congestion, which aspect has been denied by the respondents in their respective affidavits stating that the market is being constructed with modern technology with sufficient parking place.

Further grievance of the learned counsel for the petitioner is that Section 288 of the A.P. Municipalities Act prohibits sale of flesh or fish intended for human food in any place within three kilometers of the limits of the Municipality.

We have gone through the said provision and there is no such prohibition. Prohibition is that no person can carry on trade of butcher, fish monger or poulterer and no sale of flesh or fish intended for human food can be undertaken at any place in the municipal limits or at a distance of three kilometers thereof except in conformity with the licence from the Municipal Health Officer. Therefore, the only precaution to be taken by respondents would be that no such activity is allowed to

be carried on except strictly in accordance with and in conformity with the licence issued by the municipal authority. We do not find any public interest involved in the petition, which appears to be a motivated one by the rivals to prevent any new market to come up near their place of business.

Petition dismissed.

DEVINDER GUPTA, CJ

24-1-2005

M.NARAYANA REDDY, J

tvr

To

- 1 The Commissioner, Municipal Council, Jagtial, Karimnagar District,
- 2 The Assistant Director of Fisheries, Jagtial, Karimnagar District.
- 3 The District Collector, Karimnagar District, Karimnagar.

4 2 CCs to the Govt. Pleader for Fisheries, High Court Buildings,

Hyderabad (OUT).

5 2 CD copies.